

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Mehrle (45,535) on 6/29/2009.

The application has been amended as follows:

1. (Currently Amended) A method for dynamically routing a data packet through a Content Distribution Network (CDN), comprising:

receiving a routing table for a CDN and a data packet, wherein the routing table represents a desired path and alternative paths through the CDN, and wherein each path represents links between an entry node, intermediate nodes, and a destination node;

evaluating policies associated with currently available links for currently available paths at the entry node and at each of the intermediate nodes, when the data packet is received on the entry node and when the data packet is received on each of the intermediate nodes, wherein the policies are executable statements processed at each of the intermediate nodes, the policies are executed by each of the intermediate nodes

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when the data packet is received at each of those intermediate nodes, and the policies are embedded in the routing table;

reordering currently available intermediate nodes within the routing table for the currently available links, when the policies are triggered by current conditions of the currently available intermediate nodes; and

routing the data packet to a next available intermediate node of the routing table, wherein the next available intermediate node is one of the currently available intermediate nodes, and wherein at least one intermediate node selects the next available intermediate node that is associated with one of the alternative paths;

wherein the evaluating further comprises comparing policy priority metrics to the currently available intermediate nodes' data traffic for determining whether to trigger actions associated with the policy priority metrics;

wherein processing one of the actions for suspending existing traffic associated with one of the currently available nodes in order to accommodate the routing of the data packet based on the policy priority metrics associated with the data packet.

5. (Cancelled)

6. (Cancelled)

8. (Currently Amended) A method for dynamically a data packet routing through a Content Distribution Network (CDN), comprising:

associating policies with a routing table, wherein the routing table includes a desired path and one or more alternative paths, and wherein each path includes links between an entry node, intermediate nodes, and a destination node;

evaluating, at a receiving node identified in the routing table, the policies when the receiving node acquires a data packet, and wherein the receiving node is one of the intermediate nodes, and wherein the policies are executable statements processed at of the receiving node, the policies are executed by each of the intermediate nodes when the data packet is received at each of those intermediate nodes, and the policies are embedded in the routing table; and

reordering, at the receiving node, next available intermediate nodes within the routing table when the policies are triggered to change routing from the desired path to one of the alternative path;

routing the data packet to a next available intermediate node of the routing table, wherein the next available intermediate node is one of the currently available intermediate nodes, and wherein at least one intermediate node selects the next available intermediate node that is associated with one of the alternative paths;

wherein the evaluating further comprises comparing policy priority metrics to the currently available intermediate nodes' data traffic for determining whether to trigger actions associated with the policy priority metrics;

wherein processing one of the actions for suspending existing traffic associated with one of the currently available nodes in order to accommodate the routing of the data packet based on the policy priority metrics associated with the data packet.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

This communication warrants no examiner's reason for allowance, as applicant's reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks in the Amendment filed on 10/6/2008, 5/4/2009 with respect to the amended claim limitations point out the reason claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUYEN DOAN whose telephone number is (571)272-4226. The examiner can normally be reached on M-F 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571 272 3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./  
Examiner, Art Unit 2452

/Kenny S Lin/

Primary Examiner, Art Unit 2452